

**MINUTES OF PUBLIC MEETING
FOR THE CORRECTIONS OFFICER RETIREMENT PLAN LOCAL BOARD
FOR THE SUPERIOR COURT**

A Public Meeting of the Corrections Officer Retirement Plan Local Board for the Superior Court was convened Tuesday, September 8, 2015, at 10:00 a.m., Conference Room 109, Arizona State Courts Building, 1501 West Washington Street, Phoenix, Arizona.

Board Members Present in Conference Room 109:

Kevin Kluge, Chair; Rob Lubitz, Danna Quinn

Board Members Present via Conference Call:

Jason Hathcock

Board Members Absent:

Mark Smalley

Also Present:

Annette Corallo, Board Secretary; Hannah Auckland, Board Attorney; Leticia Chavez, Recorder; Court Reporter, Ottmar & Associates; Ruth Marblestone, Applicant #15-01; Raquel Gloden, Applicant #15-02

Call to Order:

Approval of the Minutes:

August 4, 2015, Public Meeting Minutes
August 4, 2015, Executive Session Minutes

MOTION: A motion to approve the August 4, 2015 Public Meeting Minutes and Executive Session Minutes was made by D. Quinn. Motion was seconded and passed unanimously, minutes stand approved. **CORP 2015-52**

Consideration of Disability Application #15-01 – IME Decision

The Board received Application #15-01 for Ordinary Disability from Ruth K. Marblestone on May 14, 2015. The applicant was a Juvenile Probation Officer in Pima County. She terminated employment on July 31, 2015, for Health/Medically Unfit reasons. The applicant was not injured in the course of physical contact or confrontation with a probationer or detainee. The applicant identified the disabling conditions as “Herniated disks at C4-5 and C-6. Advanced Degenerative Disk Disease L3-4 and L4-5” per the applicant’s response to the Board Secretary’s request for identification of the medical condition(s) via email dated May 14, 2014.

The applicant was notified via certified letter that the Board would consider her application at this meeting and of her right to attend. The Board Secretary advised that the applicant initialed the

Waiver of Confidentiality provision, to allow discussion of the medical condition in open public meeting.

The Board initially reviewed this application at its meeting on June 2, 2015. At that meeting, the Board voted to “defer decision on an independent medical evaluation until full medical records are available for the Board’s review and to request all medical records from 2008 to present.”

The Board Secretary advised that complete medical records have been obtained from all of the providers listed in Ms. Marblestone’s application, which were related to the 2012 accident. On July 14, 2015, the Board office received from Ms. Marblestone a list of providers seen after the 2008 accident. Most of those providers’ records have also been received; two providers (Dr. Brakel and Oro Valley Family Practice) appeared on the lists for both the 2008 and 2012 accidents. The Board office is still attempting to obtain records from three providers on the 2008 list: Tucson Physical Therapy; Heidi Wilson, CCT; and Hanger Inc.

Since almost all of the records have been obtained, the Board was provided with Application #15-01, medical records provided by the applicant since the Board’s last review, and a medical provider list for both accidents as well as the medical records received to date.

The Board Secretary also advised that a copy of the applicant’s physical exam dated October 2, 2012, is provided along with a copy of the Board’s certified letter dated November 16, 2012, noting a pre-existing condition. The exam identified a pre-existing condition: “Status post lumbar laminectomy.”

At this time the Board Secretary is seeking direction on whether to schedule an Independent Medical Evaluation (IME) for this applicant, as well as whether the Board wishes to formulate any specific questions for the IME doctor related to the potentially pre-existing nature of the applicant’s current condition.

The Board Secretary provided the standard questions posed to the IME doctor for an ordinary disability:

1. Does [applicant] have a physical condition that totally and permanently prevents her from performing a reasonable range of duties within the employee’s department?
2. Does [applicant] have a mental condition that totally and permanently prevents her from engaging in any substantial gainful activity? In this context, the term “gainful employment” means the capability of performing a moderate amount of work with reasonable regularity without restriction to the type of work performed before the impairment. See *Cleland v. CORP*, 169 Ariz. 252 (App. 1991) and the enclosed memorandum on this subject.
3. If you conclude that [applicant] does have a disabling condition or injury, and you believe the condition or injury may improve with treatment, please detail available treatment options and their likely outcome (i.e., likelihood that treatment will restore [applicant’s] ability to engage in substantial gainful employment).

4. In your opinion, does the claimant's disability result from a physical or mental condition or injury which predates [September 26, 2008 or hire date if later]?

The IME doctor is further directed: "In your written evaluation of the claimant's condition, feel free to give a narrative of her past medical history, the incidents leading to her condition or injury for which she seeks medical retirement, and her current medical condition."

The Chair noted for the record that Applicant #15-01, Ruth Marblestone, was in attendance telephonically.

In reviewing the medical evidence, the Chair asked if Ms. Marblestone could elaborate on a note in the University of Arizona medical records in which her physical therapist states Ms. Marblestone felt disappointment in a report prepared by Dr. Brakel because she did not feel she could use it for her disability application.

Ms. Marblestone stated that she had felt disappointment towards Dr. Brakel due to the fact that she and her attorney tried to obtain a future impact statement from Dr. Brakel and had experienced several issues with obtaining the statement. Ms. Marblestone also stated that when the statement was received, it deviated from her experiences with Dr. Brakel. She thinks that Dr. Brakel was affected by his involvement in a disciplinary action in Ohio.

The Board had no further questions for Ms. Marblestone. The Chair asked whether any Board members wished to enter Executive Session to receive legal advice.

MOTION: A motion to enter Executive Session to receive legal advice was made by D. Quinn. Motion was seconded and passed unanimously. **CORP 2015-53**

MOTION: A motion to return to open session was made by R. Lubitz. Motion was seconded and passed unanimously. **CORP 2015-54**

The Chair asked if Ms. Marblestone could clarify the medical conditions that are the basis for her application, as the medical evidence received points to the possibility of both physical and mental conditions.

Ms. Marblestone stated that she would like to amend her application to reflect a physical and mental disabling condition, specifically to add a diagnosis of PTSD as a disabling condition.

MOTION: A motion to refer Applicant #15-01 for an independent medical evaluation was made by D. Quinn. Motion was seconded and passed unanimously. **CORP 2015-55**

Regarding the questions to be posed to the IME doctor, Board Member Jason Hathcock asked if question #4 could be split into two questions, so that the IME doctor could definitively answer yes or no to both the physical and mental conditions.

The Board also requested that with regard to Ms. Marblestone's physical condition, the letter to the IME doctor should include reference to the pre-existing condition listed on her CORP physical

exam. The Board agreed to ask the IME doctor to address how, if at all, the identified pre-existing condition factors into the applicant's current physical condition.

Consideration of Disability Application #15-02 – IME Decision

The Board received Application #15-02 for Ordinary Disability from Raquel M. Gloden on July 28, 2015. The applicant is an Adult Probation Officer Supervisor in Maricopa County. Maricopa County Human Resources confirmed that the applicant is still employed and on unpaid leave, and that the applicant was not injured in the course of physical contact or confrontation with a probationer or detainee. The applicant identified the disabling conditions as "Depression and ADD/ADHD precipitated by a TBI" per the applicant's response to the Board Secretary's request for identification of the medical condition(s) via email dated August 10, 2015.

The applicant was notified via certified letter that the Board would consider her application at this meeting and of her right to attend. The Board Secretary advised that the applicant initialed the Waiver of Confidentiality provision, to allow discussion of the medical condition in open public meeting. The applicant also provided treatment records and reports of medical findings from some of the providers listed in her application.

The Board Secretary also advised the Board that the applicant's physical exam could not be located in the Local Board office. The membership database indicates she had a CORP exam on May 29, 2007, but the report was not in her file and an exhaustive search did not locate it. It is possible, but very unlikely, that a copy will be retrieved from Concentra given the six-year retention period in effect at the time of her exam, but the Board Secretary has requested it from Concentra.

The Chair noted for the record that Applicant #15-02, Raquel Gloden, was in attendance telephonically.

After review of the medical records provided by the applicant, the Board felt it was best to request all medical records from the listed providers before sending Ms. Gloden for an IME.

MOTION: A motion to obtain complete records of medical treatment and findings from all providers listed in Application #15-02 and to provide all such records to the doctor who conducts the independent medical evaluation for the Board, and to defer decision on the IME until full medical records are available for the Board's review, was made by R. Lubitz. Motion was seconded and passed unanimously. CORP 2015-56

Approval of Normal Retirement Benefits:

The Local Board may consider and vote on the approval of Normal Retirement benefits for the following applications or defer decision to a later date:

Christine B. Atkinson
Kimberly M. Baio
Lawrence D. Battin
Walter V. Contreras
Gary W. Thiede

The Board Secretary advised that the effective CORP retirement date for all applicants except Kimberly Baio is September 1, 2015. Ms. Baio's CORP effective retirement date was August 1, 2015.

MOTION: A motion to approve the payment of Normal Retirement benefits to the following applicants in about the following amounts, effective September 1, 2015, except as noted, was made by J. Hathcock. Motion was seconded and passed unanimously. **CORP 2015-57**

Christine B. Atkinson:	\$1,934.62
Kimberly M. Baio:	\$1,897.54 (effective August 1, 2015)
Lawrence D. Battin:	\$1,842.00
Walter V. Contreras:	\$2,024.92
Gary W. Thiede:	\$1,314.93

Status Update: Membership Audit

The Board Secretary advised that all of the discrepancies identified by the 2014 audit are now resolved, with receipt of a physical exam report for the last remaining officer from Maricopa County.

That officer's membership is on the Board's membership approval list for this meeting.

Acknowledgement of CORP Physical Pre-Existing Conditions

The Chair noted, for the record, that the physical examination report for Tarin S. Hawkins noted one or more pre-existing conditions.

The Board approved this officer for CORP membership at the August 4, 2015 meeting. His physical examination report was received after a 60-day notice was sent to him.

Approval of Membership:

The Local Board may consider and vote on the approval of the following requests for membership or defer decision to a later date:

Bock, Richard	Maricopa	7/20/2015
Cohen, Katherine	Maricopa	8/10/2015
Cruz, Damaris	Maricopa	8/10/2015
De Poy, Tyler	Yavapai	7/19/2015
Doole, Douglas	Apache	7/26/2015
Doty, Cameron	Yavapai	7/20/2015
Ford, Terrick	Maricopa	7/6/2015
Graham, David	Pima	7/20/2015
Gustafson, Bryce	Mohave	7/27/2015
Guzman, Angeles	Coconino	6/22/2015

Hartzler, Kelsey	Maricopa	7/20/2015
Herrera, Lisbeth	Maricopa	7/27/2015
Hoctor, Ceirra	Maricopa	7/20/2015
Hoey, Bryan	Cochise	8/10/2015
Isaacson, Angelina	Mohave	7/27/2015
Martin, Scott	Yavapai	5/24/2015
McCall, Mariclaire	Cochise	6/21/2015
McLaughlin, Thomas	Maricopa	8/17/2015
Metzinger, Fallon	Maricopa	7/20/2015
Miller, Marcus	Pima	7/20/2015
Munoz, Solangel	Pima	6/1/2015
Petrie, John	Maricopa	7/27/2015
Rios Alejo, Briseidalia	Pima	8/3/2015
Rivera, Juan	Pima	7/27/2015
Robinson, Greg	Yuma	7/27/2015
Santiago, Carlos	Pima	7/20/2015
Schmitt, Trevor	Cochise	6/29/2015
Shell, Ryan	Maricopa	8/3/2015
Sifuentes, Rebecca	Maricopa	4/18/2011
Tilghman, Robert	Maricopa	8/17/2015
Van Hofwegen, Christa	Maricopa	8/17/2015

MOTION: A motion to approve the 31 applicants listed on the agenda for this meeting for membership in CORP pursuant to A.R.S. § 38-893.D and to note for the record that the physical examinations for Katherine Cohen, Damaris Cruz, Terrick Ford, David Graham, Angeles Guzman, Kelsey Hartzler, Bryan Hoey, Scott Martin, Mariclaire McCall, Thomas McLaughlin, Solangel Munoz, John Petrie, Trevor Schmitt, Ryan Shell and Robert Tilghman identified a physical or mental condition or injury that existed or occurred before the member's date of membership in the plan, was made by D. Quinn. Motion was seconded and passed unanimously. **CORP 2015-58**

Future Agenda Items:

Board Member Jason Hathcock stated that he had received some information from the Board Secretary regarding cancer insurance offered to CORP officers. When legislation for the cancer insurance was passed it was left up to each individual employer whether to opt-in. Board Member Danna Quinn reported that Maricopa County did not opt to participate in the cancer insurance offering this fiscal year, as they felt the statute did not include CORP officers. Mr. Hathcock asked if this is something the Board should get involved in.

Board Member Danna Quinn clarified that Maricopa County's interpretation of the legislation, not the statute, didn't apply that verbiage to include CORP employees, but she added that there is ongoing discussions within Maricopa County regarding the cancer insurance.

Mr. Hathcock referred to an employer notice of eligibility for voluntary election of cancer insurance from PSPRS which states, pursuant to A.R.S. §38-881-13, that CORP designated positions are now eligible to participate in the cancer insurance program.

The Board Attorney suggested that a copy of the statute be provided to the Board, as well as more information about how this is being handled within the counties, so the Board can determine how to proceed. The Chair stated that he plans to speak with AOC management and possibly the Chief Justice about whether participation (or opt-out) should be decided at the state level for officers under this Board's jurisdiction.

Mr. Hathcock asked if the Board Secretary could update the Board as to which counties have requested Reverse DROP training. The Board Secretary stated that only three counties – Mohave, Pima and Maricopa – have requested training at this time.

Mr. Hathcock reported that legislation for the extension of the Reverse DROP is being pursued.

Call to the Public:

No members of the public addressed the Board.

The meeting was adjourned at 10:52 a.m.

Transcribed September 8, 2015